

Amendments to House Bill No. 52
1st Reading Copy

Requested by Representative Franke Wilmer

For the House State Administration Committee

Prepared by Sheri Heffelfinger
January 11, 2007 (7:41am)

1. Title, page 1, line 7.

Following: "FEES"

Insert: "IN CERTAIN CONTESTS"

2. Title, page 1, line 7.

Strike: "SECTION"

Insert: "SECTIONS 13-36-204 AND"

3. Title, page 1, line 7 through line 8.

Strike: "REPEALING" on line 7 through "MCA;" on line 8

4. Page 1.

Following: line 10

Insert: "Section 2. Section 13-36-204, MCA, is amended to read:

"13-36-204. Bond required -- exception. Before (1) Except as provided in subsection (2), in any proceeding on the petition, the petitioner shall give bond to the state in such the sum as that the court may order, not exceeding \$2,000, with not less than two sureties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements, and attorney's fees that may be awarded against him the petitioner if he shall the petitioner does not prevail.

(2) A bond is not required in a contest pursuant to 13-36-101(3)."

{ Internal References to 13-36-204: None. }

5. Page 1, line 13.

Strike: "In"

Insert: "(1) Except as provided in subsection (2), in"

6. Page 1, line 13 through page 14.

Strike: "each" on line 13 through "fees." on line 14

7. Page 1, line 16.

Following: "~~bond~~."

Insert: "each party may recover the party's costs, disbursements, and reasonable attorney fees, which must be awarded in the court's discretion. If judgement is against the petitioner, the award must also be rendered against the sureties on the

bond required in 13-36-204.

(2) In any contest pursuant to 13-36-101(3), each party is responsible for the party's costs, disbursements, and reasonable attorney fees."

8. Page 1, line 18.

Strike: section 2 in its entirety

Renumber: subsequent section

- END -

Amendments to House Bill No. 52
1st Reading Copy

Requested by Representative Franke Wilmer

For the House State Administration Committee

Prepared by Sheri Heffelfinger
January 11, 2007 (11:24am)

1. Title, page 1, line 7.

Following: "FEES"

Insert: "IN CERTAIN CONTESTED ELECTIONS"

2. Title, page 1, line 7.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 13-36-204 AND"

3. Title, page 1, line 7 through line 8.

Strike: "REPEALING" on line 7 through "MCA;" on line 8

4. Page 1.

Following: line 10

Insert: "Section 1. Section 13-36-204, MCA, is amended to read:

"13-36-204. Bond required -- exception. Before (1) Except as provided in subsection (2), in any proceeding on the petition, the petitioner shall give bond to the state in such the sum as that the court may order, not exceeding \$2,000, with not less than two sureties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements, and attorney's fees that may be awarded against him the petitioner if he shall the petitioner does not prevail.

(2) A bond is not required in a proceeding to contest an election pursuant to 13-36-101(3)."

{Internal References to 13-36-204: None.}"

Renumber: subsequent sections

5. Page 1, line 13.

Strike: "In"

Insert: "(1) Except as provided in subsection (2), in"

6. Page 1, line 13 through line 14.

Strike: "each" on line 13 through "fees" on line 14

Following: "bond"

Insert: "each party may recover the party's costs, disbursements, and reasonable attorney fees, which must be awarded in the court's discretion. If judgement is against the petitioner, the award must also be rendered against the sureties on the

bond required in 13-36-204.

(2) In any proceeding to contest an election pursuant to 13-36-101(3), each party is responsible for the party's costs, disbursements, and reasonable attorney fees."

7. Page 1, line 18.

Strike: section 2 in its entirety

Renumber: subsequent section

- END -

